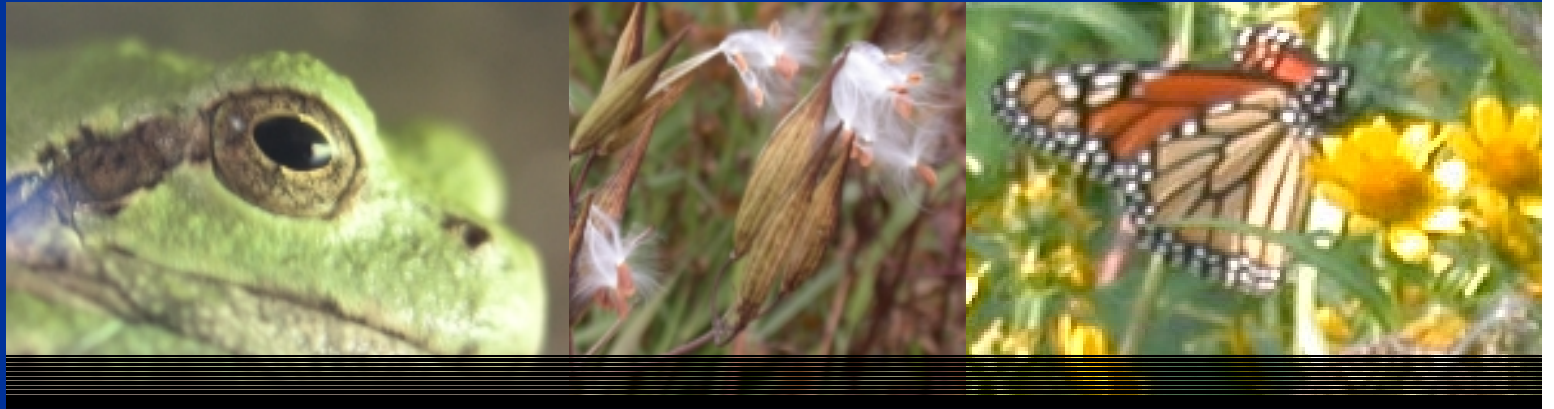


Wisconsin Wetland Compensatory Mitigation

November 18, 2005



Mitigation Banks

Dave Siebert



MITIGATION BANKING

- The concept: A “Bank Sponsor” develops a compensation site called a “bank site” and enters a legal agreement with regulatory agencies to sell “credits” to applicants who need mitigation.
- **NR 350 includes:**
 - Responsibilities of bank sponsors and the department
 - Approval process for banks
 - State Registry of approved banks



The BANK SPONSOR...

- Proposes a bank and bank site
- Signs a legal bank document with agencies
- Sets the price per credit
- Sells credits within a service area limited by NR 350
- Provides annual reporting of sales of credits



The MBRT

Mitigation
Bank
Review
Team

- DNR, COE, EPA, FWS, NRCS
- Reviews and signs the bank document
- Approves the bank site plan
- Enforces the plan through follow-up monitoring
- May apply financial assurances to finish the project



Compensation Site Plan for a Bank Site

- Same as for a project-specific compensation site (see Chapter 7)
- Greater monitoring requirements for bank sites
- Limits on credits for:
 - upland work (no more than 15%)
 - creation (no more than 25%)



Bank Document

- Agreement on Administration of the Bank
- Legal Agreement signed by the MBRT and Bank Sponsor
- Establishes the service area
- Provides for Financial Assurances
- Outlines the Credit Release Schedule
- Compensation Site Plan for the bank site(s) attached



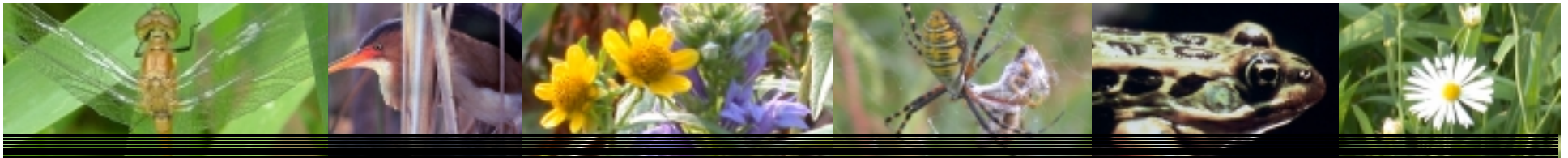
Credit Release (see p. 35)

- X = Total credits estimated at approval on bank site plan
- Up to $10\% * X$... Upon signing of bank document.
- Up to $20\% * X$... Upon approval of As-Built Plan.
- Up to $30\% * X$... When bank sponsor can document wetland hydrology has been established and vegetation appears to be trending toward the planned community (usually after Year 2).
- $X\%$ Added increments for meeting performance standards determined on a case-by-case basis
- Up to $100\% * X$... After the final monitoring report documents that the site meets performance standards

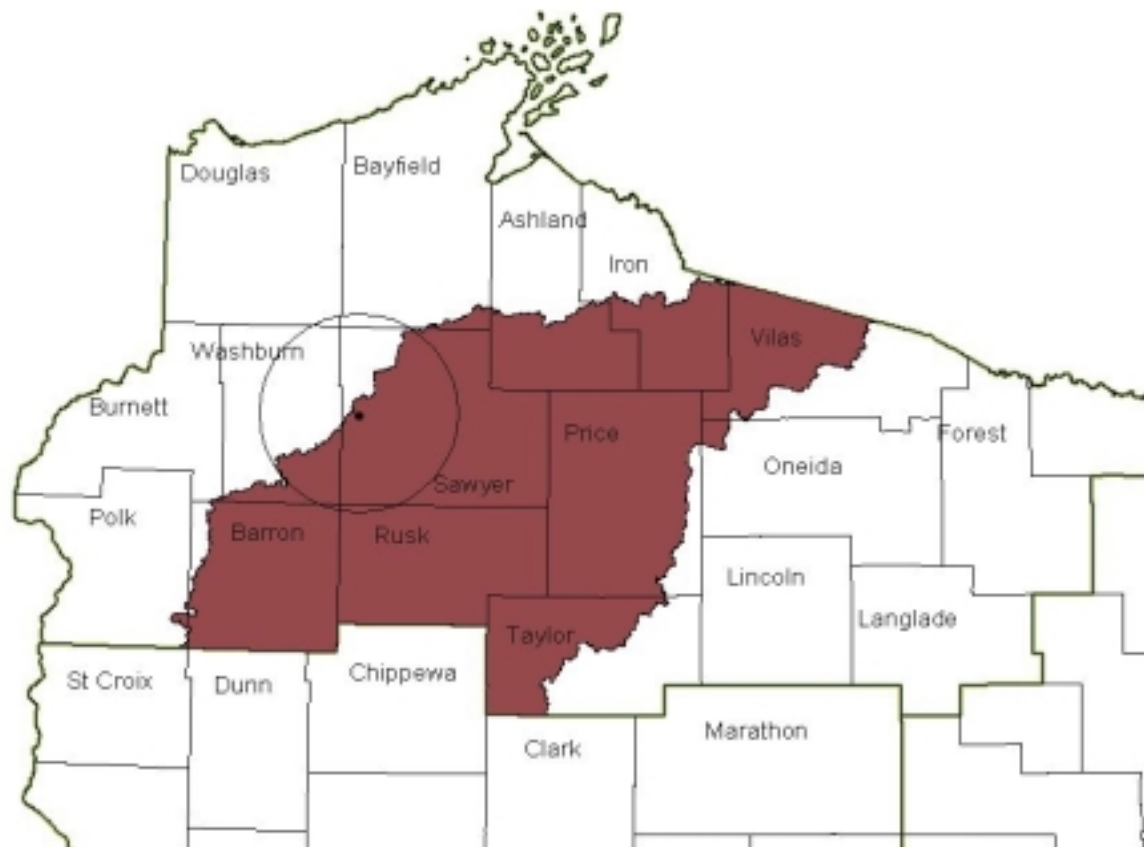


The service area (p. 35)

- Includes all of the following areas
 - County where the bank site is located; AND
 - Entire Basin or (GMU) where the bank site is located; AND
 - Twenty mile radius from the bank site



Upper Chippewa Service Area





“Registry” of Wisconsin Approved Mitigation Banks

- Current Registry is found at:

<http://www.dnr.state.wi.us/org/water/fhp/wetlands/mitigation/index.shtml>

- **Walkerwin (WI Waterfowl Assn.) Bank**
- Columbia Co.
- **Northland Cranberry Bank**—Wood Co.
- **Dane County Bank** – Dane Co.
- **Upper Chippewa**— Sawyer Co.



Approved Bank Document and site plans—
but no credits available yet

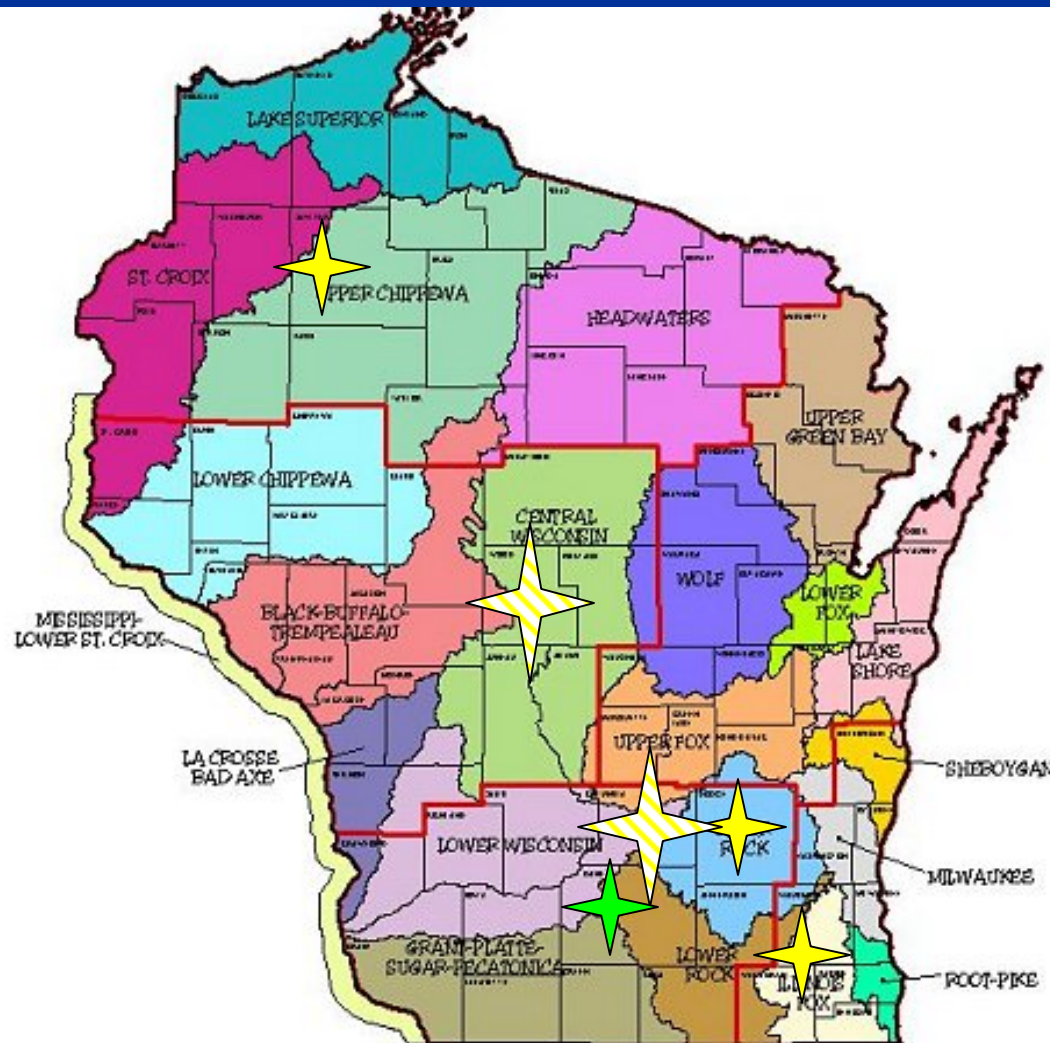
- Onyx Glacier Ridge
Dodge County
- Onyx Emerald Park
Waukesha County



Locations of Mitigation Banks

6 total
banks

2 "grand-
fathered"
banks



1
county
bank

3 new
banks
approved
since
2002



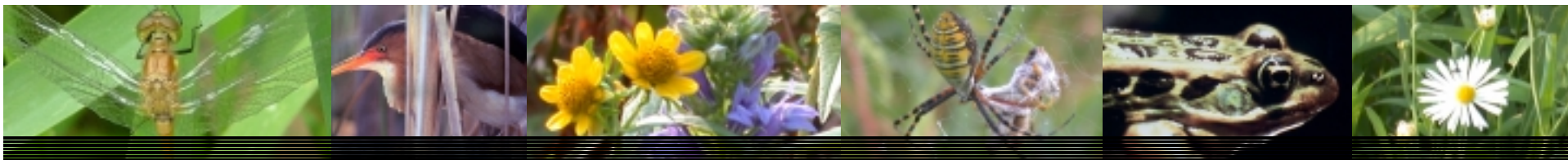
Other banks in progress?

- 2 proposals that are at the prospectus stage
- 1 with bank document and bank site plan under review



Grandfathered Mitigation Banks

- Two banks approved by the Corps before NR 350 passed
- NR 350 allows WWA and Northland to have a statewide service area
- Per code, DNR entered an MOU with each that requires them to “facilitate restoration projects” when they sell credits outside the NR 350 service area



Status of Credits

	WWA	Northland	Upper Chippewa	Onyx EPI	Onyx GR	Dane Co.- Lodi
Total	98	130	47	43	50	39
Credited acres	98	130	9.5	0	0	39
Acres Available Today	32	112	7	0	0	23



Process for Proposing a Bank

- See Chapter 10 on Page 39 for step-wise process to assure agencies are on board before bank sponsor expenditure of time and \$
1. Prospectus to MBRT
 2. On-site meeting and MBRT initial response
 3. Draft bank document and bank site plan submitted for MBRT and public review
 4. Bank document signing and site plan approval



No “after-the-fact” banks

- If you plan a wetland restoration and desire it to be a bank site, go through bank document process before the restoration work begins.
- No selling of excess acres from an on-site mitigation project